

November 17, 2003



Marlene H. Dortch  
Secretary  
Federal Communications Commission  
TW-A325  
445 Twelfth St., SW  
Washington, DC 20554

Re: *Notice of Ex parte* presentation in WT Docket No. 03-66

Dear Ms. Dortch:

On November 7, 2003, Harold Feld, Associate Director, MAP, and Michael Calabrese, Vice President, New America Foundation, met with Barry Ohlson, legal adviser to Commissioner Adelstein.

The bulk of Mr. Feld's and Mr. Calabrese's comments were contained in the Comments of NAF, *et al.* and the attached talking points. In addition, Mr. Feld stressed the need to impose cross-ownership restriction to prevent ILECs or incumbent cable companies from further monopolizing broadband access in the last mile.

Mr. Ohlson asked if congestion could genuinely be relieved by adding more spectrum. Wouldn't the spectrum congestion problem simply re-emerge? Mr. Feld and Mr. Calabrese answered that (a) technologies were emerging to address congestion; it was imperative for the Commission to give unlicensed WISPs "room to breathe" while these technologies come to market. Once the Commission opened spectrum for unlicensed, it would take time to populate, during which time more efficient technologies would emerge. (B) Congestion is only one reason to authorize unlicensed. The interests of the First Amendment, and in promoting spectral efficiency, new technologies, and preventing windfalls to private licensees, all argue for expanding unlicensed here. Finally, expanding unlicensed to this spectrum will encourage incumbents to maximize efficiency.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Respectfully submitted

Harold Feld  
Associate Director  
Media Access Project

cc: Barry Ohlson